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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/064,149 | 06/14/2002 | Gyula Busai | LD 11684 | 5093 |

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EXAMINER

A, MINH D

ART UNIT PAPER NUMBER

2821

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/064,149

Applicant(s)

BUSAI ET AL.

Examiner

Minh D A

Art Unit

2821

X

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-12, 14-15 and 19 are rejected under 35 U.S.C. 102(b) as being unpatentable by Michiels et al (US 6,137,236).

Regarding claims 1, 9 and 16. Michiels discloses a discharge lamp for retaining a mercury source in the discharge space of a low pressure discharge lamp, comprising a discharge vessel (1) comprising an inner space communicating with the discharge space (10), the holder (carrier (3)) further comprising a receiver opening (31') for receiving a mercury source (32), resilient clamping (31) means for clamping the holder (30) in a tubular space segment of the discharge space (10), resilient retaining means (30c) at least partially blocking the receiver opening (31'), the retaining means adapted for allowing a passage of the mercury source in a direction towards the inner space of the holder, and blocking the movement of the mercury source (32) through the receiver opening (31') in a direction out of the holder. See figures 1-2B, col.3, lines 20-67 to col.4, lines 1-42.

Regarding claim 2. Michiels discloses the holder (3) is made of a coil (20) the ends of the coil being turned towards a central axis of the coil and acting as the retaining means. See figure 1, col.3, lines 20-48.

Regarding claim 8, Michiels discloses a material of the device is selected from the group containing steel or nickel. See col.2, lines 32-63.

Regarding claim 10, Michiels discloses the retaining device is inserted in the discharge space before evacuating the discharge space. See figure 2A.

Regarding claim 11, Michiels discloses the retaining device is pushed into an end of an exhaust tube, in a position where the receiver opening of the retaining device turns towards an outer end of the exhaust tube. See figures 2A to 3.

Regarding claim 12, Michiels discloses the mercury source (32) is inserted in the holder of the retaining device (30 or 30 C) after evacuating the discharge space (10). See figures 1-3.

Regarding claim 14, Michiels discloses the discharge space is filled with a filling gas, and the mercury source is blown through the receiver opening with the filling gas. See figure 1, col.3, lines 20-42.

Regarding claim 15, Michiels discloses the evacuated discharge space is sealed after inserting the mercury source. See figures 1-3.

Regarding claim 19, Michiels discloses the mercury source is an amalgam. See col.2, lines 22-31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 13, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Michiels et al (US 6,137,236).

Regarding claims 3-6, 13, 17-18, Michiels discloses the claimed invention except for a holder is made of a sheet material formed in an essentially cylindrical shape or the cylindrical holder comprises cylinder segments, the cylinder segments are separated with slits extending substantially parallel with a central axis of the cylinder or the clamping means is constituted by cylinder segments tilting radially outward or the retaining means is constituted by ends of cylinder segments folding radially inward or a pushing rod or the retaining device is located in an end of an exhaust tube or the exhaust tube connects to a stem supporting the discharge electrode. It would have been an obvious matter of design choice to use a sheet material formed in an essentially cylindrical shape or the cylinder segments are separated with slits extending substantially parallel with a central axis of the cylinder or the clamping means is constituted by cylinder segments tilting radially outward or the retaining means is constituted by ends of cylinder segments folding radially inward or a pushing rod or the retaining device is located in an end of an exhaust tube or the exhaust tube connects to a stem supporting the discharge electrode, since applicant has not disclosed that a sheet material formed in an essentially cylindrical shape or the cylinder segments are separated with slits extending substantially parallel with a central axis of the cylinder or the clamping means is constituted by cylinder segments tilting radially outward or the retaining means is constituted by ends of cylinder segments folding radially inward or a

pushing rod or the retaining device is located in an end of an exhaust tube or the exhaust tube connects to a stem supporting the discharge electrode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a sheet material formed in an essentially cylindrical shape or the cylinder segments are separated with slits extending substantially parallel with a central axis of the cylinder or the clamping means is constituted by cylinder segments tilting radially outward or the retaining means is constituted by ends of cylinder segments folding radially inward or a pushing rod or the retaining device is located in an end of an exhaust tube or the exhaust tube connects to a stem supporting the discharge electrode.

Regarding claim 20, Michiels discloses the claimed invention except for the mercury source is a pellet containing liquid mercury. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pellet containing liquid mercury, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Allowable Subject Matter

5. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or fairly suggest that, the holder is formed as a substantially frusto-conical barrel with a longitudinal slit formed substantially along a generatrix of the barrel, and the retaining means are formed as tongues extending radially inwards from an edge of the barrel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Spaapen et al. (US 5,751,110) and Van Der Zaag et al. (US 6,002,211) are cited to show a discharge lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (703) 605-4247. The examiner can normally be reached on M-F (7:30 –4:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and (703) 872-9319 for final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 10/064,149
Art Unit: 2821

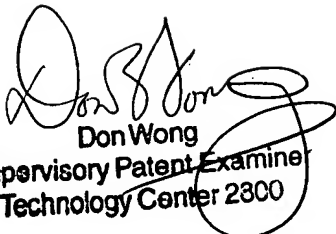
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Examiner

Minh A

Art unit 2821

09/6/03


Don Wong
Supervisory Patent Examiner
Technology Center 2800